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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/676,856 | 09/29/2003 | Gavin Sueo Lew | 8285/642 | 7970 |

7590 07/30/2004

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| EXAMINER | |
|---|---|
| ESCALANTE, OVIDIO | |
| **ART UNIT** | **PAPER NUMBER** |
| 2645 | |

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/676,856 | LEW ET AL. | |
| | Examiner | Art Unit | |
| | Ovidio Escalante | 2645 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/23/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement submitted on 02/23/04 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-7,9,11-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein US Patent 5,434,908 in view of Suda et al. US Patent 6,279,000.

***Regarding claim 1***, Klein teaches a method for creating a call processing control record (col. 3, lines 25-28; col. 4, lines 389-49) and processing a call from a calling party to a user in accordance with the call processing control record (col. 1, lines 62-68; col. 3, lines 39-48), the method comprising:

(a) receiving schedule data transmitted from an electronic scheduler (1002; col. 3, lines 21-28; fig. 5), where the schedule data (fig. 5) comprises at least a portion of a user's schedule, (col. 3, lines 52-57, 67-col. 4, line 13; the schedule database is transferred from computer 1002 to message system 1000; col. 4, lines 38-49);

(c) automatically generating a call processing control record, (col. 3, lines 25-28; col. 4, lines 38-45), where the call processing control record comprises an indication that an announcement should be transmitted to a caller in response to a call being placed to the user during a certain time period (fig. 3; fig. 5; col. 3, lines 2-16) and an indication of the user's selection of a particular announcement to be transmitted to the caller, (col. 4, lines 2-13);

(d) storing the call processing control record, (col. 3, lines 25-28);

(e) receiving, at a switch, a call from a calling party, (col. 2, lines 2-13);

(f) accessing the call processing control record after receiving the call, (col. 2, lines 5-9; col. 4, lines 45-49);

(g) transmitting call control information to the switch, the call control information including an indication of the announcement that is to be transmitted to the calling party, (col. 2, lines 4-9; fig. 5; col. 4, lines 45-49);

and

(h) transmitting the appropriate announcement to the calling party, (col. 2, lines 4-9; col. 4, lines 45-49; fig. 5).

While Klein teaches of storing schedule data, Klein does not specifically teach of comparing the schedule data to determine if the schedule data differs from the stored data and generating a call processing control record if the schedule data differs from the stored data.

In the same field of endeavor, Suda teaches of a scheduling system in which the system compares the received (b) schedule data with stored data to determine if the schedule data differs from the stored data, (abstract; col. 34, lines 42-54; col. 36, lines 39-52; figs. 69 and 73) and (c) automatically generating a call processing control record if the schedule data differs from the stored data, (col. 34, lines 42-54; col. 36, lines 39-52; fig. 69; the system contacts the user about the scheduling conflict).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klein by comparing the schedule data with stored scheduled data so that schedule conflicts between the schedules can be determined and thus alerting the user of such a conflict.

***Regarding claim 2***, Klein, as applied to claim 1, teaches wherein the schedule data is transmitted via a telecommunications network, (fig. 1; col. 2, lines 41-45).

***Regarding claim 3***, Klein, as applied to claim 1, teaches wherein the schedule data is transmitted via a computer network, (col. 3, lines 7-18).

***Regarding claim 4***, Klein, as applied to claim 1, teaches wherein the schedule data is transmitted via the Internet, (col. 3, lines 7-18).

***Regarding claim 5***, Klein, as applied to claim 1, teaches wherein the schedule data is transmitted via a computer network utilizing a TCP/IP protocol, (col. 3, lines 7-18).

***Regarding claim 6***, Klein, as applied to claim 1, teaches wherein the schedule data is transmitted via a computer network utilizing a X.25 protocol, (col. 3, lines 7-18).

***Regarding claim 7***, Klein, as applied to claim 1, teaches storing the schedule data in the electronic scheduler prior to (a), (col. 3, lines 19-25).

***Regarding claim 9***, Klein, as applied to claim 1, teaches wherein (h) comprises: (h1) routing the call from the switch to a service node, (fig. 1; col. 2, lines 2-13); and

(h2) using the service node to transmit the announcement to the calling party, 9col. 2, lines 4-9; col. 4, lines 45-49; fig. 5).

***Regarding claim 11***, Klein, as applied to claim 1, teaches wherein the announcement comprises an indication that the user is unavailable, (fig. 5; the 9:00AM message is an unavailable message; col. 4, lines 14-37).

***Regarding claim 12***, Klein, as applied to claim 1, teaches wherein the announcement comprises an indication of a telephone number at which the user can be reached, (col. 6, lines 11-18).

***Regarding claim 13***, Klein, as applied to claim 1, teaches wherein the indication of the user's selection of a particular announcement to be transmitted to the caller signifies that an

announcement comprising an indication that the user is unavailable should be transmitted to the caller, (fig. 5; col. 4, lines 14-37).

***Regarding claim 14***, Klein, as applied to claim 1, teaches wherein the indication of the user's selection of a particular announcement to be transmitted to the caller signifies that an announcement comprising an indication of a telephone number at which the user can be reached should be transmitted to the caller, (col. 6, lines 11-18).

***Regarding claim 15***, Klein teaches a system for creating a call processing control record and processing a call from a calling party to a user in accordance with the call processing control, (col. 1, lines 62-68; col. 3, lines 25-28,39-48), the system comprising:

means for receiving schedule data transmitted from an electronic scheduler, (1002, col. 3, lines 21-28; fig. 5), where the schedule data (fig. 5) comprises at least a portion of a user's schedule, (col. 3, lines 52-57,67-col. 4, lines 13; the scheduled data is transferred from computer 1002 to message system 1000; col. 4, lines 38-49);

means for automatically generating a call processing control record, (col. 3, lines 25-28; col. 4, lines 38-45), where the call processing control record comprises an indication that an announcement should be transmitted to a caller in response to a call being placed to the user during a certain time period (figs. 3 and 5; col. ,3 lines 2-10) and an indication of the user's selection of a particular announcement to be transmitted to the caller, (col. 4, lines 2-13);

means for storing the call processing control record, (col. 3, lines 25-28);

means for receiving, at a switch, a call from a calling party, (col. 2, lines 2-13);

means for accessing the call processing control record after receiving the call, (col. 2, lines 5-9);

means for transmitting call control information to the switch, the call control information including an indication of the announcement that is to be transmitted to the calling party, (col. ,2 lines 4-9; col. 4, lines 45-49); and

means for transmitting the appropriate announcement to the calling party, (col. 2, lines 4-9; col. 4, lines 45-49; fig. 5).

While Klein teaches of storing schedule data, Klein does not specifically teach of means for comparing the schedule data to determine if the schedule data differs from the stored data and means generating a call processing control record if the schedule data differs from the stored data.

In the same field of endeavor, Suda teaches of a scheduling system in which the system compares the received (b) schedule data with stored data to determine if the schedule data differs from the stored data, (abstract; col. 34, lines 42-54; col. 36, lines 39-52; figs. 69 and 73) and (c) automatically generating a call processing control record if the schedule data differs from the stored data, (col. 34, lines 42-54; col. 36, lines 39-52; fig. 69; the system contacts the user about the scheduling conflict).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klein by comparing the schedule data with stored scheduled data as taught by Suda so that schedule conflicts between the schedules can be determined and thus alerting the user of such a conflict.

***Regarding claim 16***, Klein teaches a system for creating a call processing control record (col. 3, lines 25-28; col. 4, lines 38-49) comprising:

a call processing control record generator operative to receive schedule data transmitted from an electronic scheduler, (1002; col. 3, lines 21-28; fig. 5), where the schedule data comprises at least a portion of a user's schedule, (col. 3, lines 52-57,67-col. 4, line 13; the scheduled data is transferred from computer 1002 to message system 1000; col. 4, lines 38-49);

automatically generate a call processing control record, (col. 3, lines 25-28; col. 4, lines 38-45), where the call processing control record comprises an indication that an announcement should be transmitted to a caller in response to a call being placed to the user during a certain time period (figs. 3 and 5; col. 3, lines 2-16) and an indication of the user's selection of a particular announcement to be transmitted to the caller, (col. 4, lines 2-13); and

store the call processing control record, (col. 3, lines 25-28).

While Klein teaches of storing schedule data, Klein does not specifically teach of means for comparing the schedule data to determine if the schedule data differs from the stored data and means generating a call processing control record if the schedule data differs from the stored data.

In the same field of endeavor, Suda teaches of a scheduling system in which the system compares the received (b) schedule data with stored data to determine if the schedule data differs from the stored data, (abstract; col. 34, lines 42-54; col. 36, lines 39-52; figs. 69 and 73) and (c) automatically generating a call processing control record if the schedule data differs from the stored data, (col. 34, lines 42-54; col. 36, lines 39-52; fig. 69; the system contacts the user about the scheduling conflict).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klein by comparing the schedule data with stored

scheduled data as taught by Suda so that schedule conflicts between the schedules can be determined and thus alerting the user of such a conflict.

***Regarding claim 17***, Klein, as applied to claim 16, teaches wherein the call processing control record generator comprises a service management system, (col. 3, line 58-col. 4, line 13).

***Regarding claim 18***, Klein, as applied to claim 16, teaches wherein the electronic scheduler comprises a personal computer (1002) and a schedule software program, (abstract; fig. 1; col. 3, lines 7-18).

***Regarding claim 20***, Klein, as applied to claim 16, teaches a service node/intelligent peripheral coupled with the call processing control record generator, the service node/intelligent peripheral being responsive to the call processing control record and being operative to transmit an announcement to a calling telephone station in response to the call processing control record, (col. 2, lines 2-13; col. 4, lines 45-49; fig. 3).

***Regarding claim 21***, Klein teaches a computer usable medium having computer readable program code embodied therein (col. 3, lines 12-18,58-66) for creating a call processing control record (col. 3, lines 25-28; col. 4, lines 38-49) comprising:

a first computer readable program code for causing a computer to receive schedule data transmitted from an electronic scheduler, (1002; col. 3, lines 21-28; fig 5), where the schedule data comprises at least a portion of a user's schedule, (col. 3, lines 52-57,67-col. 4, line 13; the schedule database is transferred from computer 1002 to message system 1000; col. 4, lines 38-49);

a third computer readable program code for causing a computer to automatically generate a call processing control record, (col. 3, lines 25-28; col. 4, lines 38-45), where the call processing control record comprises an indication that an announcement should be transmitted to a caller in response to a call being placed to the user during a certain time period (figs. 3 and 5; col. 3, lines 2-16) and an indication of the user's selection of a particular announcement to be transmitted to the caller, (col. 4, lines 2-13); and a fourth computer readable program code for causing a computer to store the call processing control record, (col. 3, lines 25-28).

While Klein teaches of storing schedule data, Klein does not specifically teach of computer readable program code for causing a computer to compare the schedule data to determine if the schedule data differs from the stored data and generating a call processing control record if the schedule data differs from the stored data.

In the same field of endeavor, Suda teaches of a computer readable program code for causing a computer to compares the received (b) schedule data with stored data to determine if the schedule data differs from the stored data, (abstract; col. 34, lines 42-54; col. 36, lines 39-52; figs. 69 and 73) and (c) automatically generating a call processing control record if the schedule data differs from the stored data, (col. 34, lines 42-54; col. 36, lines 39-52; fig. 69; the system contacts the user about the scheduling conflict).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klein by comparing the schedule data with stored scheduled data as taught by Suda so that schedule conflicts between the schedules can be determined and thus alerting the user of such a conflict.

6. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Suda and further in view of Boulware et al. US Patent 5,757,899.

***Regarding claims 8 and 10***, Klein, as applied to claim 1, teaches of routing a call from a switch to a node. Klein does not specifically teaches of generating a query from a service switching point to a service control point and using the service control point to access the call processing record and routing the call from the switch to an intelligent peripheral.

In the same field of endeavor, Boulware teaches of a scheduling system in which the system (f) comprises: generating a query that is transmitted from a service switching point to a service control point, (col. 5, lines 8-13); using the service control point to access the call processing control record, (col. 5, lines 13-26) and wherein routing the call from the switch to an intelligent peripheral, (col. 5, lines 39-43); and using the intelligent peripheral/service node to transmit the announcement to the calling party, (col. 5, lines 37-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network of Klein by suing a service switching point and service control point so that a less expensive and more efficient method for providing data service to which switch can be used.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Suda and further in view of Pepper et al. US Patent 5,930,700.

***Regarding claim 19***, while Klein in view of Suda, as applied to claim 16, teaches of an electronic scheduler, Klein and Suda do not specifically teach wherein the electronic scheduler comprises a portable electronic scheduler.

In the same field of endeavor, Pepper teaches that it was well known in the art to have an electronic scheduler and wherein the electronic scheduler comprises a portable electronic schedule, (col. 3, lines 49-64; col. 5, line lines 19-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic scheduler of Klein by using a portable electronic scheduler as taught by Pepper so that the user can always update their schedule at any location in which they are currently located.

***Conclusion***

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante
Examiner
Group 2645
July 26, 2004

Ovidio Escalante OVIDIO ESCALANTE PATENT EXAMINER